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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,651	07/16/2003	Chenggang Xie	CML01122SS	1041
23330	7590	05/05/2005	EXAMINER	
MOTOROLA, INC. LAW DEPARTMENT 1303 E. ALGONQUIN ROAD SCHAUMBURG, IL 60196				MARTIN, ANGELA J
ART UNIT		PAPER NUMBER		
		1745		

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

15 M

Office Action Summary	Application No.	Applicant(s)	
	10/621,651	XIE ET AL.	
	Examiner	Art Unit	
	Angela J. Martin	1745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 February 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

This Office Action is responsive to the Amendment filed on February 23, 2005. The Applicant has amended claims 1, 7, and 16. The pending claims are 1-17. However, this Office Action is made final for the following reasons of record.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bostaph et al., WO 02/49132 A2.

Rejection of claims 1-6 and 16-17 drawn to a device for mixing diluted fuel in a fuel cell; claims 7-15 drawn to a method for mixing diluted fuel in a fuel cell device.

Bostaph et al., teach a device for mixing diluted fuel in a fuel cell, the device comprising a fuel mixing chamber (abstract), an undiluted fuel inlet line for delivering substantially undiluted fuel into the mixing chamber (p. 15, lines 10-16); a bubbling line for bubbling a gas into the mixing chamber, wherein the bubbling line comprises a return air/water line from a cathode (p. 16, lines 2-6); and a diluted fuel outlet line for transporting diluted fuel to an external fuel cell stack (p. 10, lines 4-17). It teaches the undiluted fuel comprises MeOH (p. 8, lines 26-27 and p. 9, lines 1-3). It also teaches the diluted fuel comprises at least partially diluted aqueous MeOH (p. 3, lines 10-12). It teaches a sensor for determining fuel concentration in mixing chamber (p. 9, lines 18-

27). In addition, it teaches the sensor is responsive to MeOH concentration (abstract). It teaches a DMFC (direct methanol fuel cell) (p. 1, lines 7-10). It also teaches a gas permeable membrane (p. 11, lines 8-20). It teaches a method for mixing diluted fuel in a fuel cell device (Fig. 3; p. 15, lines 10-27 and p. 16, lines 1-10).

Thus, the claims are anticipated.

Response to Arguments

3. Applicant's arguments filed February 23, 2005 have been fully considered but they are not persuasive. Applicant argues that the independent claims 1, 7, 16, as amended, state that a return/bubbling line return air from the cathode to the mixing chamber, and that this is "not taught by the Bostaph reference."

However, on p. 16, lines 2-6, Bostaph teaches "water may be recovered by the cathode... and is recirculated through recirculating channel 53 back to the mixing chamber 36." Although the reference does not state "a return air/water line from a cathode", the air would return along with the water from the cathode side of the fuel cell.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela J. Martin whose telephone number is 571-272-1288. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AJM


PATRICK JOSEPH RYAN
SUPERVISORY PATENT EXAMINER